

IN THE UNITED STATES DISTRICT COURT FOR THE  
MIDDLE DISTRICT OF ALABAMA

VFS LEASING CO.,	)	
	)	
PLAINTIFF,	)	
	)	CIVIL ACTION NO.: 3:06CV638-SRW
VS.	)	
	)	
G. F. KELLY, INC d/b/a KELLY	)	
TRUCKING; and GUY KELLY,	)	
	)	
DEFENDANTS.	)	

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MOTION TO EXTEND SCHEDULE FOR SUBMISSION  
IN OPPOSITION TO MOTION FOR SUMMARY JUDGEMENT

Comes now the Defendants G. F. Kelly, Inc. d/b/a Kelly Trucking and Guy Kelly and move the court to extend the date set out in the Order issued on December 4, 2006 for filing their Submission in Opposition to Motion for Summary Judgement. **Defendants respectfully request the court to extend the filing date to February 13, 2007.** As grounds for this motion, Defendants show the following:

1. On January 26, 2007, the computer network at counsel's office completely collapsed due to a hardware value, causing the computer system to become inoperable. As a result, all date files, including those relating to this case and the pending motion, were inaccessible.
2. Work has been ongoing since to replace the equipment, restore the network and recover the files. Initially, those employed to do this work believed it would be completed by February 5, 2007, however unexpected problems and the unavailability of certain necessary parts have prevented its completion. Everything necessary to complete the work is schedule to arrive no later than February 9, 2007. It is expected that the recovery process will be completed by February 12, 2007.
3. The Order of December 4, 2007 states that the submission was due on January 31, 2007. On January 30, counsel spoke to Plaintiff's counsel who consented to an extension. Counsel then spoke to the court and requested an extension to February 7, 2007, based on the expectation that the computer system would be restored and the files recovered by February 5. The court orally granted the extension.
4. As stated above, the work has not been completed as expected and counsel's office has been unable to utilize its computer system and access its data files and the internet for 11 days. Counsel is using a colleague's office to prepare and file this motion. A short additional extension

from February 7, 2007 will enable an adequate submission to be filed, regardless of whether the work is completed as expected. This extension will not effect any other aspects of the schedule.

5. **Defendants request that the time for filing the Submission in Opposition to Motion for Summary Judgement be extended to February 13, 2007. No additional extensions will be requested.** Plaintiff does not object to this extension. Plaintiff will continue to have 11 days to file a reply.

Respectfully Submitted,

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/s/ James H. Starnes

James H. Starnes, Attorney for Defendants

**OF COUNSEL:**

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/s/ S. Sanford Holliday

S. Sanford Holliday, Attorney for Defendants

**OF COUNSEL:**

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**CERTIFICATE OF SERVICE**

I hereby certify that I have the foregoing pleading electronically using the CM/ECF system which will electronically serve a copy of same on all counsel of record on this the 6th day of February 6, 2007 as follows:

David B. Hall  
Jason Asbell  
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/s/ James H. Starnes

OF COUNSEL